



Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive
Billings, MT 59105

January 3, 2006

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks:

Director's Office	Parks Division	Lands Section	FWP Commissioners
Fisheries Division	Legal Unit	Wildlife Division	Design & Construction

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for a wild animal menagerie permit for Robin Sherman to be constructed at his residence east of Billings, Montana. The permit proposes to allow the possession of one mountain lion for non-commercial purposes and would be issued following inspection and approval of all cages associated with the facility. Two public comments were received during the 24-day comment period ending December 16, 2005.

It is my decision to proceed with the proposed permit, with no changes to the Draft EA.

Sincerely,

Region Five Supervisor (acting)
Attachment

Sherman Wild Animal Menagerie Permit
Billings, Montana
Decision Notice

Proposed Action

Montana Fish, Wildlife and Parks (FWP) received an application dated 8/30/2005, from Robin Sherman to keep one mountain lion in captivity, for purposes, other than public exhibition in Yellowstone County, Montana. The proposed wild animal menagerie is located approximately 25 miles NE of Billings, Montana (T3N, R29E, S35, NW1/4), in a sparsely developed area.

Montana Fish, Wildlife & Parks (FWP) proposes to issue a wild animal menagerie permit to Robin Sherman, 2345 Lower Canal Road, Ballantine, MT. The permit will allow the possession of one mountain lion for non-commercial purposes. The permit will be issued following inspection and approval of all cages associated with the facility.

The Licensee must be in compliance with all applicable FWP zoo/menagerie standards and regulations. Current regulations are attached for the applicant's information, but it is the Licensee's responsibility to keep up with any changes in the laws or regulations.

Montana Environmental Policy Act

FWP assessed the impacts of this proposal to both the human and physical environments. These effects were disclosed in the Environmental Assessment (EA) to comply with the requirements of the Montana Environmental Policy Act.

A twenty-four day comment period was open from November 22, 2005 through December 16, 2005. Public notification of the proposed action was facilitated with the distribution of a legal notice in the Billings Gazette.

Comments Received on the Environmental Assessment

FWP received questions from two individuals, concerning legal obligations of the owners and FWP. Those questions were answered (see attached) and no substantive comments, either for or opposed to the project, were received.

Final Environmental Assessment for Wild Animal Menagerie

No significant impacts to the human or physical environment were identified in the Draft EA or through public comment. Therefore, the Draft EA and this Decision Notice will serve as the final document.

Decision

Based on the information in the Draft EA, it is my decision to proceed with the proposed action. The proposed action is to issue a wild animal menagerie permit to Robin Sherman for the location on his property at 2345 Lower Canal Road, Ballantine, Mt. The issuance of this permit is subject to final inspection upon completion of the project.

Based on the analysis in the EA and applicable laws, regulations and policies, I have determined that this action will not have significant effects on the human or physical environment. Therefore, an Environmental Impact Statement will not be prepared. If you have questions regarding this decision notice, please contact me at 2300 Lake Elmo Drive, Billings, MT 59105.

Region Five Supervisor (acting)

Questions Asked, and Answers Provided During the Comment Period

From: Earnhardt, Mark

Sent: Monday, November 07, 2005 4:34 PM

To: 'RogerS@TWEGEN.com'

Cc: Payne, Gerri; Feldner, Tim; Palmer, Tom

Subject: Mountain Lions as pets

Mr. Sheidler,
You wrote:

"I have a neighbor that is soon to get a mountain lion as a pet. I, along with 4 other immediate neighbors have children as well as livestock.

I learned about this inadvertently. A notice (rather than direct neighbor solicitation) was apparently used for a 3 day publication requirement in a low circulation paper out of Billings.

- 1. What do our laws permit/require for keeping mountain lions as pets?*
- 2. What action(s) may neighbors lawfully take in the event the animal should ever get loose? (whether on one's own property or not, harm or not).*
- 3. How serious is the trouble to an owner if this kind of pet gets loose and causes considerable harm?*
- 4. Is there any action on my part now necessary to set things in proper motion for the future should there be any mishap?"*

The best person to discuss this with is our permit compliance specialist, Tim Feldner. He is currently out of the office, but will return later this week. In the meanwhile, I can provide you with what laws and rules FWP has on this issue for your review. I will copy Tim with this response and he can fill in any details for you when he returns. *(Note Tim Feldner called Mr. Sheidler upon returning to the office).*

MONTANA CODES ANNOTATED:

87-1-231. Tattooing of bears, wolves, tigers, mountain lions, or coyotes -- when required -- penalty.

(1) Any bear, wolf, tiger, mountain lion, or coyote that is captured alive to be later released or which is held in captivity for any purpose must be reported to the department within 3 days of the capture or commencement of captivity. If a person capturing or holding in captivity such animal fails to report an animal as required by this section, such failure is a misdemeanor punishable as provided in [87-1-102](http://leg.mt.gov/87-1/87-1-102.htm).

(2) Each animal reported as required in subsection (1) shall be permanently tattooed or otherwise permanently identified in a manner that will provide positive individual identification of such animal. No tattoo is required under this section if the animal is subject to a permanent, individual identification process by another state or federal agency.

(3) Any person holding a bear, wolf, tiger, mountain lion, or coyote in captivity shall immediately report to the department any death, escape, release, transfer of custody, or other disposition of such animal.

87-1-232. Tattoo records. (1) The department shall maintain a record of each animal reported to it pursuant to [87-1-231 <../87/1/87-1-231.htm>](#). The record shall indicate:

- (a) the person by whom the animal was captured or is held in captivity;
- (b) the location of the capture or captivity;
- (c) the date the animal was tattooed;
- (d) the purpose of the captivity or capture; and
- (e) any death, escape, release, transfer of custody, or other disposition of such animal.

(2) The department shall establish by rule a fee to be charged, which may not exceed the administrative cost of maintaining the record required by this section.

87-1-233. Compensation for damage caused by animal held in captivity. If any bear, wolf, tiger, mountain lion, or coyote that is held in captivity or that escapes from such captivity causes any damage to the personal property of another person, compensation for such damage must be paid by the person holding or who held the animal in captivity.

87-1-234. Exceptions to tattoo and compensation requirements. Sections [87-1-231 <../87/1/87-1-231.htm>](#) through [87-1-233 <../87/1/87-1-233.htm>](#) do not apply to those animals:

- (1) captured and released as part of an ongoing game management program or an ongoing predator control program unless such animals have been involved in livestock killing; or
- (2) captured and released as part of a scientific, educational, or research program as certified by the department.

ADMINISTRATIVE RULES OF MONTANA - FWP - ENFORCEMENT 12.6.1903

Sub-Chapter 19

Reporting and Tattooing of Bears, Wolves, Tigers, Mountain Lions, and Coyotes Captured or Held in Captivity

12.6.1901 DEFINITIONS For purposes of this rule the following definitions apply:

- (1) "Bear" means a member of any species of the genus Ursus.
- (2) "Coyote" means a member of the species Canis latrans, including any canine hybrid which is one-half or more coyote.
- (3) "Mountain lion" means a member of the species Felis concolour.
- (4) "Tiger" means a member of the species Felis tigris.
- (5) "Wolf" means a member of the species Canis lupus, including any canine hybrid which is one-half or more wolf. (History: [87-1-231 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>](#), [87-1-234 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>](#), MCA; IMP, [87-1-231 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>](#), [87-1-234 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>](#), MCA; NEW, 1986 MAR p. 119, Eff. 1/31/86; AMD, 1996 MAR p. 1839, Eff. 7/4/96.)

[12.6.1902 <../12/12-351.htm>](#) REPORT OF CAPTURE OR CAPTIVITY-PENALTY

(IS HEREBY REPEALED) (History: [87-1-231 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>](#), [87-1-234 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>](#), MCA; IMP, [87-1-231 <http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>](#), [87-1-234](#)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>, MCA; NEW, 1986 MAR p. 119, Eff. 1/31/86; REP, 1996 MAR p. 1839, Eff. 7/4/96.)

12.6.1903 TATTOOING (1) Except as provided in ARM [12.6.903 <../12/12-327.1.htm>](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm) (5), each animal reported as required by ARM [12.6.1902 <../12/12-351.htm>](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm) shall be permanently tattooed with an identifying number assigned by the department, within 15 days after the assignment of the number.

(2) Assigned numbers shall be tattooed on the inside of the left thigh, 6 inches or less from the abdomen. The tattoo shall be indelible and read from left to right as viewed from the animal's feet. Numbers or letters shall be no less than 3/8 inch in height on coyotes and 1/2 inch in height on bears, mountain lions, tigers and wolves.

(3) The tattoo shall be certified by either a veterinarian or a department employee.

(4) The department may permit ear tags or ear tattoos to be used as permanent identification of animals born and kept in captivity if the owner or breeder certifies to the department that the animals are intended to be slaughtered for their pelage prior to the age of one year. Any animals identified with ear tags or ear tattoos that are not slaughtered prior to the age of one year must be reported and tattooed as provided in ARM [12.6.1902 <../12/12-351.htm>](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm) (1) and 12.6.1903(1) respectively. (History: [87-1-231](http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>, [87-1-234](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>, MCA; IMP, [87-1-231](http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>, [87-1-234](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>, MCA; NEW, 1986 MAR p. 119, Eff. 1/31/86; AMD, 1996 MAR p. 1839, Eff. 7/4/96.)

12.6.1904 FEES The fee for reports to the department under ARM [12.6.1902 <../12/12-351.htm>](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm) is:

(1) \$10 for each animal, except that multiple young born in captivity may be registered as a single animal if the owner or breeder certifies to the department that the animals are intended to be slaughtered for their pelage prior to the age of one year;

(2) if six or more animals (other than multiple young born in captivity) are reported at the same time, \$10 each for the first five animals, and thereafter \$5 per animal, not to exceed a total of \$200. (History: [87-1-231](http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>, [87-1-234](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>, MCA; IMP, [87-1-231](http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-231.htm>, [87-1-234](http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm)

<http://data.opi.state.mt.us/bills/mca/87/1/87-1-234.htm>, MCA; NEW, 1986 MAR p. 119, Eff. 1/31/86.)

I hope this has provided some useful information for you.

Mark D.W. Earnhardt

*Law Enforcement Program Manager
Montana Fish, Wildlife & Parks*

There was also a call to the Billings Headquarters concerning the menagerie permit. The person who called asked Game Warden Kevin Holland if the pen housing the lion would have a top on it. Kevin Holland answered that the pen would be covered.